


United States Environmental Protection Agency POSITION DESCRIPTION COVERSHEET		1. DUTY LOCATION Denver, CO		2. POSITION NUMBER	
3. CLASSIFICATION ACTION: a. Reference of Series and Date of Standards Used to Classify this Position					
	b. Title	c. Pay Plan	d. Series	e. Grade	f. CLC
Official Allocation					
4. Supervisor's Recommendation	General Attorney	GS	0905	15	
5. ORGANIZATIONAL TITLE OF POSITION (if any)			6. NAME OF EMPLOYEE Erin Perkins		
7. ORGANIZATION (Give complete organizational breakdown)			e.		
a. U.S. ENVIRONMENTAL PROTECTION AGENCY			f.		
b. Region 8			g.		
c. Office of Regional Counsel			h. Employing Office Location		
d.			i. Organization Code		
8. SUPERVISORY STATUS					
<input type="checkbox"/> [2] Supervisor or Manager. Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide (GSSG) or similar standards for minimum supervisory responsibility specified in other position classification standards. <input type="checkbox"/> [4] Supervisor. Position meets the definition of Supervisor in 5.U.S.C. 7103(a)(10), but does not meet the minimum requirements for application of the GSSG. <input type="checkbox"/> [5] Management Official. Position meets the definition of Management Official in 5.U.S.C. 7103(a)(11), but does not meet the GSSG definition of Supervisor/Manager or the definition of Supervisor in 5.U.S.C. 7103(a)(10). <input type="checkbox"/> [6] Lead. Position leads a team performing one-grade interval work and meets the minimum requirements for application of Part I of the Work Leader Grade Evaluation Guide (WLGE) or is under a wage system and meets similar minimum requirements as specified by those job standards or other directives of the applicable pay system. <input type="checkbox"/> [7] Team Leader. Position leads a team performing two-grade interval work and meets the minimum requirements for application of Part II of the WLGE. <input checked="" type="checkbox"/> [8] All Other Positions. Position does not meet any of the above definitions. This is a non-supervisor/non-managerial position.					
9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.					
a. Typed Name and Title of Immediate Supervisor Peter M. Ornstein, Acting Regional Counsel			d. Typed Name and Title of Second-Level Supervisor Brenda Mallory, Principal Deputy General Counsel		
b. Signature 		c. Date 3/21/11	e. Signature		f. Date
10. OFFICIAL CLASSIFICATION CERTIFICATION: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.					
a. Promotion Potential <input checked="" type="checkbox"/> This position has no promotion potential <input type="checkbox"/> If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade: _____					
b. PSB Risk Designation <input type="checkbox"/> 1 Low <input type="checkbox"/> 2 Moderate <input type="checkbox"/> 3 High Security Clearance Required: <input type="checkbox"/> Yes <input type="checkbox"/> No		c. Financial Disclosure Form <input type="checkbox"/> OGE-450 Required <input type="checkbox"/> OGE-278 Required <input type="checkbox"/> No financial disclosure forms required		d. "Identical, Additional" (IA) Allocation This position <input type="checkbox"/> may be IA'ed <input type="checkbox"/> may not be IA'ed <input type="checkbox"/> is limited to current incumbent	
		e. FLSA Determination <input type="checkbox"/> NONEXEMPT <input type="checkbox"/> EXEMPT* (*check exemption category) <input type="checkbox"/> Administrative <input type="checkbox"/> Professional <input type="checkbox"/> Executive		f. Functional Classification Code	
g. Bargaining Unit Code	h. Check, if applicable: <input type="checkbox"/> Medical Monitoring Required <input type="checkbox"/> Extramural Resources Management Duties (____ % of time) <input type="checkbox"/> This position is subject to random drug testing (____)		i. Classifier's Signature		j. Date
11. REMARKS					

POSITION DESCRIPTION
GENERAL ATTORNEY
GS-0905-15

I. Introduction

Serves as a senior attorney in the Office of Regional Counsel. Provides legal advice and assistance and policy recommendations to the Regional Counsel, Deputy Regional Counsel, and Regional program managers in major areas of responsibility. The Attorney coordinates and directs the entire workload of the office in assigned areas of responsibility, and is knowledgeable for the work of other attorneys in the office who are assigned to work on matters within such areas of responsibility.

II. Major Duties and Responsibilities

At this level, the attorney will be responsible for all legal aspects of an assigned area within the Region. These matters will involve a wide variety of extremely complex and unusual matters requiring extensive knowledge and a very high degree of expertise as well as extensive legal research and analysis, together with consideration of highly complicated factual and policy issues. In addition to factual, policy and legal complexity, the matters often involve multiple parties, statutes or environmental media, and require the understanding of abstruse scientific or technical principles that are subject to different interpretations by experts. Finally, the matters often impact major industry, private or public interests, may involve enormous sums of money, may affect tribal sovereignty, and are often are rigorously contested by some of the nation's most distinguished, capable and highly paid attorneys.

The Attorney will be the principal attorney in the Region for interpreting for the Regional Administrator and the Regional program managers and staff, a substantial body of Agency regulations, and defending these regulations and Agency actions before Federal trial and appellate courts, and/or before the Environmental Appeals Board. Matters assigned may have the effect of substantially broadening or restricting the Agency's activities and may have an important impact on major industries in the Region. The Attorney will review and coordinate the activities of lower graded attorneys assigned to help carry out the specific elements of the Attorney's duties and responsibilities.

A. Legal Research and Problem Resolution

Researches and resolves the legal questions which arise under all regulations, lawsuits, enforcement actions, executive orders and other administrative actions involving major Federal statutes affecting the Agency's programs, which may include (depending upon the specific areas assigned by ORC management) such statutes as the Clean Water Act, the Clean Air Act, the Toxic Substances Control Act, the Safe Drinking Water Act, the Resource Conservation and Recovery Act, the National Environmental Policy Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Federal Insecticide, Fungicide and Rodenticide Act (in each case as from time to time amended). In areas assigned by ORC management, is the focal point within the Region for resolution of

legal issues arising under such statutes (for matters of national importance which require consultation with the Offices of General Counsel or Enforcement is the regional contact to those offices on the issue).

B. General Legal Advice and Policy Recommendations

Either acting directly or through ORC management provides the Regional Administrator, Deputy Regional Administrator and the Regional Divisions and offices with general legal advice and (upon request) policy recommendations concerning those Regional programs, operations and activities in areas assigned by ORC management so that their major decisions are made with applicable legal considerations in mind.

C. Legal Advice, Policy Recommendations, and Other Assistance on Enforcement Matters

Provides legal advice and policy recommendation to the Regional program managers responsible for enforcement matters. As appropriate and to the extent enforcement actions would be affected, coordinates counsel to other Region 8 program offices with the Legal Enforcement Program. Serves as liaison between ECEJ and the Office of General Counsel, and the Offices of Regional Counsel. Arranges conference calls, meetings and other means of exchanging information among Regional attorneys. As appropriate, assists the enforcement program in the preparation of major legal correspondence, notices of violation, administrative orders, litigation referrals and other enforcement documents and reviews such documents for legal sufficiency and consistency with Agency legal interpretations and policy guidance.

D. Legal Advice and Policy Recommendations to Grant Programs

In consultation with Headquarters and Regional legal experts, may provide legal advice and policy recommendations to managers of Agency grant programs. Advises on the eligibility for Agency funding of cost items under Agency grants, including cost overruns by contractors on Agency funded projects. Works closely with the Agency's Office of Inspector General in resolving problems arising under audit activities and investigations. Drafts special grant conditions to cover unusual or unique situations. Assists state attorneys in interpreting statutes and regulations administered by the Agency, advising on the handling of claims matters and generally serving the needs of programs which have been delegated by the Agency to state agencies. Prepares final Agency decisions on bid protests arising under grantee procurement. Conducts the Region's participation in grant appeal proceedings.

E. Drafting of Determinations, Regulations, Notices, etc.

Drafts and/or reviews final Agency determinations, proposed and final regulations, notices and such other documents to be published in the Federal Register, including Agency actions on state air pollution plans, designations of sole source aquifers under the Safe Drinking Water Act, approvals and authorizations of state programs under the Clean Water

Act, the Clean Air Act, the Resource Conservation and Recovery Act, the Federal Insecticide, Fungicide and Rodenticide Act and other Federal environmental statutes.

F. Litigation Matters

Manages and coordinates defensive litigation resulting from the Region's activities under the statutes referred to above. Conducts discovery and prepares motions, briefs and other litigation documents. Appears before courts and administrative tribunals to conduct trials, hearings and oral arguments as appropriate. Works closely with the Office of General Counsel and the Department of Justice or U.S. Attorneys. Coordinates with state attorneys general. Represents the Region in administrative proceedings of EPA and other agencies.

G. Negotiation and Informal Dispute Resolution

Represents the Region in its dealings with outside parties, including negotiation of agreements, consent orders and judgments, and memoranda of understanding. Represents the Region in negotiating the settlement of disputed matters so as to avoid protracted and expensive litigation and facilitate expeditious administration of Agency programs.

H. Hearing Officer Duties

May serve as hearing officer in hearing and deciding matters brought before the Agency and assists the Regional Administrator in preparing formal administrative decisions. Some of these decisions (e.g. bid protest decisions arising under the construction grants program) are final Agency action subject to direct review in the Federal courts.

I. Representation of the Region

Represents the Region at conferences and meetings held with other Federal departments and agencies, Congressional committees and individual congressmen and senators, the General Accounting Office, governors of states and staff offices of governors, state and local officials, representatives of private industry and farm groups, etc. and in this capacity is required to give expert legal advice with respect to many novel legal situations and problems arising from the administration of Regional programs. Prepares and delivers advice and testimony to state legislative bodies in connection with their deliberations on assumption of responsibilities for programs to be delegated by the Agency. At the request of ORC management, performs responsibilities which the Administrator has delegated to the Regional Counsel, such as rendering decisions on confidentiality of business information under 40 C.F.R. Part 2, which decisions also become final Agency action.

J. Coordinating and Directing Legal Work

May coordinate and direct the work of one or more lower graded attorneys and law clerks. Retains familiarity with and reviews all major or precedential efforts of such attorneys. The review functions include ensuring that written material is clear, precise, and of high quality; that work is completed on time; that prompt advice is provided to the Regional managers of programs within assigned areas; and that oral presentations, whether before courts or other public bodies, are of high quality. May participate in the recruiting and hiring of attorneys, and provides other attorneys under supervision with opportunities for professional growth through work experience and training. Assists ORC management in conducting performance evaluations of lower graded attorneys.

K. Subject Matter Expertise

Serves as a national legal expert in one or more subject matter areas of interest to the Offices of Regional Counsel. Maintains specialized expertise in such areas and serves as a consultant to other attorneys in the Agency. May manage a team of Regional attorneys in seeking solutions to common legal problems or in preparing guidance documents, model agreements, regulations, pleadings, etc.

L. Other Duties

Performs other duties as assigned.

III. Supervisory Controls

The Attorney reports to the Regional Counsel and Deputy Regional Counsel and has an attorney-client relationship with all Regional program managers for whom work is performed. Areas of responsibility are assigned by ORC management, and within those areas of responsibility the Attorney has wide latitude in prioritizing workload, directing and coordinating the efforts of staff members, conducting research, preparing documents and exercising judgment and initiative in completing assignments and making legal judgments and policy recommendations. Legal advice, policy recommendations and advocacy during adversarial proceedings are normally considered expert, and consistent with policy. The Attorney's recommendation is usually tantamount to final decisions as to the Agency's legal position, in terms of whether to proceed with a case, or how to interpret or apply a policy or regulation. Within assigned areas of responsibility, the Attorney accepts work requests directly from Regional program managers. The Attorney's work involves recurring contacts with important and high level officials in the region, EPA, the Federal government, and private industry.

The Attorney is expected to represent ORC management from time to time in areas of assigned responsibility, including national EPA meetings, although consultation and discussion with ORC management may be necessary in connection with major legal judgments or policy recommendations, or management issues. Completed work is rarely reviewed for consistency with Agency policy, precedential effect and overall quality. The Attorney may rotate areas of assigned responsibility with other Attorneys within the Office of Regional Counsel from time to time. ORC management is to be consulted generally on matters arising in the course of

coordinating and directing the work of lower graded attorneys who work in the assigned areas of responsibility, and retains all supervisory authority.

IV. Qualifications

The incumbent has an LL.B. or J.D. degree from an accredited law school; must be admitted to practice before the highest court of a State, U.S. territory, the District of Columbia, or the commonwealth of Puerto Rico; and must maintain active status as a member of a bar of one of these jurisdictions. The incumbent has substantial experience in providing legal advice and counsel at EPA, other Federal, state or local agencies, or in private practice.